

REMARKS

Reconsideration of the application is respectfully requested.

As recited in present claim 15, the invention is directed to a free-flowing particulate food product which includes antifreeze peptide and which maintains its free-flowing nature during storage. The food product is obtainable by rapidly freezing the food product such that the product reaches a temperature of -5°C or lower within 30 seconds.

Clemmings et al., U.S. Patent No. 5,620,732 is directed to a method for making ice cream for storage. The method is said not to require a hardening step prior to storage and includes preparing a mixture of ingredients which comprise water and an added antifreeze protein. According to Clemmings et al., with antifreeze protein addition it is not necessary to cold harden a frozen composition once the dessert has been extruded and packaged. Cold hardening is said to include rapidly freezing the product at a temperature as low as -30° to -60°F. The product is stored at a temperature of -10° to 20°F according to column 3, line 49 of the Clemmings et al. patent.

Jones, U.S. Patent No. 5,126,156 is directed to a method for preparing and storing a free-flowing frozen alimentary dairy product. An alimentary composition is slowly dripped into a freezing chamber and rapidly frozen into small beads so as to minimize ice crystal formation. Preferably the freezing chamber is maintained at a temperature below substantially -260°F (column 2, lines 16-17). Then the beads are stored for extended periods of time at a temperature at least as low as -20°F, which is said to maintain a free-flowing characteristic. Prior to serving, the beads are brought to a temperature above -20°F, preferably within the range of -10° to -20°F.

Clemmings et al. seek to avoid rapidly freezing the product at a temperature as low as -30° to -60°F, i.e., cold hardening (column 2, lines 51-53). As mentioned above, Clemmings et al. indicate that with antifreeze protein addition it is not necessary to cold harden a frozen composition. Clemmings et al. freeze at about 18° to 25°F and store at about -10° to 20°F. It is not apparent that one of ordinary skill would use a composition for a process designed to eliminate the cold hardening step (at about -30°F to -60°F) in the Jones process wherein the compositions are frozen preferably at a temperature of below substantially minus 260°F. Therefore, it is submitted that one of ordinary skill would not be led by the art pointed to by the Office to the present invention.

In view of the foregoing, it is respectfully requested that the application be allowed.

Respectfully submitted,



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